

FREQUENTLY ASKED QUESTIONS ABOUT GUAM WAR CLAIMS

April 18, 2005

What is H.R. 1595, the “Guam World War II Loyalty Recognition Act?”

The “Guam World War II Loyalty Recognition Act,” H.R. 1595, was introduced in the U.S. House of Representatives by Congresswoman Madeleine Z. Bordallo on April 13, 2005, with 47 original cosponsors. The language of the legislation was drafted by the U.S. Department of the Interior at the request of Congresswoman Bordallo. The bill reflects the recommendations of the Guam War Claims Review Commission, which submitted its final report to Congress and to the Secretary of the Interior on June 10, 2004, in accordance with U.S. Public Law 107-333. The name of the legislation reflects the Review Commission’s findings of the extraordinary courage and loyalty demonstrated by the people of Guam during the enemy occupation.

What are the recommendations of the Guam War Claims Review Commission?

The Review Commission has recommended additional compensation for the people of Guam, based on two categories of eligible claimants. First, \$25,000 to eligible survivors of residents killed during the attack, occupation or liberation of Guam- this category is limited to the spouse, child or children, or the parents, in this order of eligibility. Second, \$12,000 to residents who experienced the occupation and who suffered personal injury, including forced labor, forced march, malnutrition, rape or internment. Internment includes hiding to avoid capture. These claims are to be limited to those individuals who personally suffered. For survivors who were alive in 1990 but are no longer living, claims may be filed on their behalf by their spouse, child or children, or parents, in this order of eligibility.

Why did the Review Commission recommend that compensation be limited to individuals who were alive as of January 1, 1990 and their survivors?

The Review Commission’s recommendation to provide compensation to the survivors of persons who suffered personal injury but were not alive at the date of enactment of legislation provides the possibility of setting a new legal precedent. The Review Commission has justified using January 1, 1990, instead of the date of enactment of legislation because this was the last time that the Administration, the leadership of the U.S. Congress, and the leadership of the Guam Legislature were within reach of achieving agreement on legislation to compensate the claims of the people of Guam arising from World War II. While many, including Congresswoman Bordallo, have expressed concern about limiting compensation for personal injury to individuals who were alive in 1990, there may be an opportunity after the congressional hearing to amend the legislation that has been drafted by the U.S. Department of the Interior.

Why did Congresswoman Bordallo introduce legislation that is true to the recommendations of the Review Commission?

The decision to introduce legislation that was drafted by the U.S. Department of the Interior and that reflects the findings and recommendations of the Review Commission was made by Congresswoman Bordallo to compel the Administration, to the greatest degree possible, to provide a direct and timely response on whether or not they support reopening Guam war claims and whether or not they accept the principal finding of “no parity.” There will be opportunities after the public hearing to amend the legislation should it progress in the legislative process, but the most important, first step is to clarify the views of the Administration and the Congress on the Review Commission’s most fundamental recommendation: to recognize the people of Guam for their loyalty and sacrifice and to reopen the process of payment for war claims. Congresswoman Bordallo’s legislative approach, which has been developed with the advice and guidance of her predecessors Congressman Robert Underwood and Congressman Ben Blaz, has helped build support for reopening Guam war claims in Congress. There are 47 original cosponsors of H.R. 1595, the Guam World War II Loyalty Recognition Act. Notably, the Review Commission’s findings and recommendations were also endorsed by Governor Camacho, the 28th Guam Legislature, and a petition of over 1,800 Guam residents circulated by the Young Men’s League of Guam and the Mayors’ Council of Guam.

When will Congress hold a hearing on the Guam World War II Loyalty Recognition Act?

The House Resources Committee, which has jurisdiction over the U.S. territories, will hold a legislative hearing on H.R. 1595, the Guam World War II Loyalty Recognition Act, at 10:00 a.m. on Wednesday, April 20, 2005, in the Morris K. Udall Hearing Room (Room 1324) of the Longworth House Office Building in Washington, D.C.

How can I listen to the House Resources Committee’s hearing on the Guam World War II Loyalty Recognition Act?

A live audio feed of the hearing will be accessible on the Internet through the House Resources Committee’s Website at: <http://resourcesaudio.house.gov/1324> (10:00 a.m. Eastern Daylight Saving Time, Wednesday, April 20, 2005; 12:00 Midnight, Chamorro Standard Time, Thursday, April 21, 2005).

How can I submit testimony to the House Resources Committee?

Any individual or organization wishing to submit views and testimony for the hearing record on the Guam World War II Loyalty Recognition Act may do so in writing before Wednesday, April 20, 2005. It is recommended that views be placed in letter form and addressed to:

The Honorable Richard W. Pombo, Chairman
The Honorable Nick J. Rahall, II, Ranking Member
House Committee on Resources
1324 Longworth House Office Building
Washington, D.C. 20515-6201

Testimony will be accepted at Congresswoman Bordallo's Guam District Office, 120 Father Duenas Avenue, Suite 107, in the Capitol Plaza Building, Hagåtña. The office is open weekdays from 8:00 a.m. to 5:00 p.m. ***The deadline to submit testimony to the Congresswoman Bordallo's District Office for submission in the hearing record is close of business, 5:00 p.m., Wednesday, April 20, 2005, Chamorro Standard Time.***

Testimony may also be submitted directly to Washington, D.C. via fax to 202-226-0341. ***The deadline for fax submission in the hearing record is 10:00 p.m. Wednesday, April 20, 2005, Chamorro Standard Time.***

All testimony received by the deadlines will be submitted for the record by Congresswoman Bordallo during the hearing. Testimony received after the deadline will be submitted for committee consideration, but cannot be guaranteed for inclusion in the official hearing transcript or in the official hearing file. There will be additional opportunities for the submission of views on this issue as H.R. 1595 advances in the legislative process.

What is the status of Guam war claims?

While progress is being made on resolving the issue of Guam war claims, there is currently no process for submitting claims for compensation. U.S. Public Law 107-333, introduced by former Congressman Robert Underwood, authorized a Guam War Claims Review Commission to determine whether the residents of Guam who experienced the occupation during World War II were treated fairly in relation to other U.S. citizens and nationals who received war claims. The Review Commission held a public hearing in Guam on December 8th and 9th, 2003, the anniversary of the invasion of Guam by enemy forces. The Review Commission presented its report to Congress and the Secretary of the Interior on June 9th, 2004. On July 21st, 2004, the 60th Anniversary of the Liberation of Guam, the House Resources Committee held an Oversight Hearing on the Review Commission's report.

Who served on the Review Commission?

The five-member Review Commission, appointed by the U.S. Secretary of the Interior, was sworn-in on October 3, 2003.

The Review Commission was Chaired by Mr. Mauricio J. Tamargo, Chairman of the Foreign Claims Settlement Commission of the United States under the Department of Justice. Senator Antonio R. Unpingco of the Guam Legislature served as Vice-Chairman. The other three Commissioners were Senator Benjamin J. Cruz, former Chief Justice of the Supreme Court of Guam; Former U.S. Representative Robert J. Lagomarsino (R-California, 1973-1992); and Mrs. Ruth G. Van Cleve, former Director of the U.S. Department of the Interior's Office of Insular Affairs (1964-1969, 1977-1981).

How did the Review Commission conduct its review?

The Review Commission received and carefully examined testimony, and legal, legislative, and historical documentation regarding war claims made to United States citizens and nationals. They also received testimony regarding the experience of individuals who survived the World War II occupation of Guam during a public hearing held in Guam on December 8-9, 2003, the anniversary of enemy invasion.

Has the Review Commission completed its work?

Yes. The Review Commission submitted the *Report on the Implementation of the Guam Meritorious Claims Act of 1945* to the U.S. Secretary of the Interior and Congress on June 9, 2004. The report, including its appendices, is available on the U.S. Department of the Interior's Website at:
<http://www.doi.gov/oia/Stories/warclaim/finalwarclaimrpt/Gumwarclaimsum.htm>.

What were the findings made by the Review Commission?

The Review Commission acknowledged the hardship and suffering endured by the people of Guam during the Japanese occupation and recognized their courageous loyalty to the United States. With regards to the war claims process, the Review Commission found that there was inequality in the amount of compensation paid, interest payments on claims, types of eligible claims, and length of filing periods as compared to other war claims Acts of Congress.

The Review Commission also found that the Guam Commission, established to adjudicate and award claims filed under the Guam Meritorious Claims Act of 1945, did not include local representation. An inadequate public awareness effort informing the people of Guam of the war claims process also contributed to the fairness of the program. This was worsened by a lack of resources, including attorneys to represent individual residents in claims proceedings.

The Review Commission also found inequality in the claims process which often resulted in the undervaluing of real and personal property. Other areas of inequality noted by the Review Commission were the types of injury that could be claimed, the processing of death claims, the claim amounts, and the basis for calculating compensation amounts.

Who are defined to be “eligible claimants” under the Review Commission’s Recommendations?

The Review Commission has recommended that “eligible claimants” for Category I claims include the spouse, children or parents of those who died as a result of the war. The Review Commission has further recommended that Category II eligible claimants be limited to those who suffered personal injury as a result of the war and who were alive as of January 1, 1990.

What is considered “personal injury”?

The Review Commission has defined “personal injury” to include rape, forced march, forced labor and internment.

What is meant by “internment”?

The Review Commission has defined “internment” to include those who had to hide from the enemy to avoid capture. Essentially, this includes everyone present on the island during the Japanese occupation.

How can I contact Congresswoman Bordallo?

You may contact Congresswoman Bordallo regarding this issue or any other issue important to you, through mail, phone, fax, or e-mail at:

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